



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2003-17**

July 17, 2003

Mr. Andre Lemieux
10 Coopers Grove Rd.
Kingston, NH 03848

RE: DES Wetlands File #1996-02125 , Kingston

Dear Mr. Lemieux:

On July 17, 2003, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Kingston Tax Map 17 as Lot 8 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

During the inspection the following deficiencies were documented:

Approximately 15,000 square feet fill has been placed in wetlands

In response, you are requested to take the following actions:

Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES for review. The restoration plan should be prepared by a certified wetland scientist and include provisions for removing any and all fill within wetland areas. The plan should specifically include:

- a. A plan with dimensions, drawn to scale, showing:
 - i. The footprint of the wetlands before disturbance;
 - ii. The footprint of the existing conditions showing the extent of the dredging or filling;
- b. A plan for re-establishing the wetland to its original footprint which includes a schedule and construction sequence listing equipment and methods for accomplishing restoration not later than September 30, 2003.
- c. A detailed description of the proposed means of erosion control and stabilization of the restoration area;
- d. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area;
A proposed monitoring plan, including two restoration progress assessment reports to be filed with DES after a full growing season.
- f. A provision for coordinating with DES Special Investigations Section, Waste Management Division.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.


Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Arlene Allen, Compliance Specialist
Wetlands Bureau
Department of Environmental Services
6 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,


Coris G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7001 1940 0002 4872 1723

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, Administrator, DES Legal Unit ✓
Kingston Conservation Commission
Kingston Board of Selectmen
David Killoy, USACOE
Special Investigations, Waste Management Division